

Draft: 9/28/05

Revised language for the 21C Regulations, 310 CMR 30.000

I. Revisions to 310 CMR 30.000

1. 310 CMR 30.010, Definitions - insert before Drinking Water Supplies - the following:

Dredged Material means sediment and associated materials that are moved from below the mean high tide line for coastal waters and below the high water mark for inland waters during dredging activities.

2. 310 CMR 30.104(3) Wastes Subject to Conditional Exemptions. – insert the following new subsection:

(f) Dredged material when temporarily stored at an intermediate facility pursuant to 314 CMR 9.07(4), or when placed in confined disposal pursuant to 314 CMR 9.07(8), provided it is managed in accordance with the following:

- 1. the material is managed in accordance with requirements established in a Clean Water Act (33 U.S.C. 1344) Section 401 certification, specifically covering the intermediate facility or the confined disposal; and**
- 2. the material is managed in accordance with requirements included in a permit issued under Section 404 of the Clean Water Act, specifically covering the intermediate facility or the confined disposal;**
- 3. this exemption shall not apply:**
 - a. to any facility or activity that is not subject to regulation under Section 404 of the Clean Water Act;**
 - b. to any facility or activity for which 401 certification requirements have been waived by the Department;**
 - c. to any facility or activity regarding which all 401 certification requirements established by the Department have not been included in a 404 permit; or**
 - d. if the Department determines that compliance with some or all of the provisions of 310 CMR 30.000 is required.**